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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

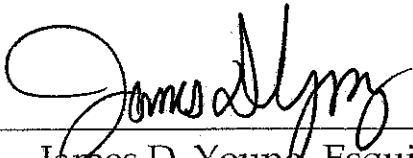
JASON ERIC BENSON,	:	CIVIL ACTION NO. 1:CV-00-1229
Plaintiff	:	
	:	(Judge Caldwell)
vs.	:	
	:	
THOMAS DURAN, et al.,	:	(Magistrate Judge Blewitt)
Defendants	:	

APPENDIX OF EXHIBITS IN SUPPORT OF
DEFENDANT, RONALD M. LONG, M.D.'S
MOTION FOR SUMMARY JUDGMENT

Exhibit "A"	Unsworn Declaration of Defendant, Ronald Long, M.D.
Exhibit "B"	Pertinent portions of deposition transcript of Plaintiff, Eric Benson.
Exhibit "C"	Pertinent portions of Plaintiff, Eric Benson's prison medical records.

Respectfully submitted,

Lavery, Faherty, Young &
Patterson, P.C.

By: 
James D. Young, Esquire

Atty No. 53904

301 Market St., Suite 800

P.O. Box 1245

Harrisburg, PA 17108-1245

Attys for Defendant,

Ronald M. Long, M.D.

DATE: 11/15/2001

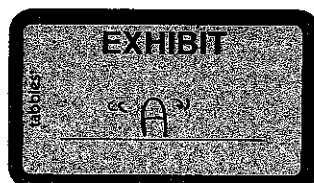
IN THE UNITED STATES DISTRICT COURT
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UNSWORN DECLARATION OF
RONALD LONG, M.D.

I, Ronald Long, M.D., do hereby state under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct based upon my own personal knowledge:

1. I am a medical doctor licensed by the Commonwealth of Pennsylvania and have been so licensed continuously since 1984. I am Board certified in family practice and have added qualifications in geriatric medicine.



2. Since September, 1996, Wexford Health Sources, Inc. has been the contracted medical provider at the State Correctional Institution-Smithfield ("SCI-Smithfield") to provide medical services to inmates at the facility, including utilization review and case management.

3. I have served as the Medical Director at SCI-Smithfield from September, 1996 until the present. I have provided medical services to inmates at SCI-Smithfield, including the examination, diagnosis and treatment of inmates at the facility.

4. It is the policy, practice and custom of Wexford Health Sources, Inc. that all inmates are to receive reasonable and medically necessary care in accordance with state and federal law and the United States Constitution.

5. In the ordinary course of business, SCI-Smithfield maintains prison medical records on each of the inmates incarcerated at the facility including the Plaintiff, Jason Benson. True and correct copies of the pertinent portions of inmate Benson's prison medical records are attached as Exhibit "C" in the Appendix of Exhibits in Support of my Motion for Summary Judgment.

6. I am personally familiar with inmate Benson's medical history as reflected in his medical records from SCI-Smithfield.

7. At no time during Mr. Benson's incarceration at SCI-Smithfield was I ever deliberately indifferent to any serious medical need of the Plaintiff nor did I ignore any excessive and/or intolerable risk of harm to the Plaintiff. To the contrary, throughout his incarceration at SCI-Smithfield, Mr. Benson was evaluated, monitored and treated appropriately and in accordance with acceptable medical standards.

8. In February, 1999, inmate Benson was transferred from SCI-Camp Hill to SCI-Smithfield. While incarcerated at SCI-Camp Hill, inmate Benson was prescribed Phenobarbital for his seizure disorder condition.

9. On the morning of February 24, 1999, I examined inmate Benson at SCI-Smithfield. At that time, his neurological examination revealed that he was oriented x 3 and there were no focal findings. Inmate Benson related that his last seizure occurred prior to Christmas, 1998, and that his past seizures had usually occurred when he was intoxicated. Given that Plaintiff had a significant past history of drug abuse; that Phenobarbital is an addictive barbituate; that Phenobarbital is not a good seizure medication for the long term; and given the fact that Mr. Benson's

seizures usually occurred when intoxicated -- an unlikely condition while incarcerated, in the exercise of my professional judgment I believed that it would be more appropriate to prescribe Dilantin for Plaintiff's seizure disorder. I discussed this matter with inmate Benson who was agreeable to the change to Dilantin. At that time, I stopped the Phenobarbital and prescribed Dilantin, 200 mgs. two times per day. I also ordered that the Dilantin levels be tested in six weeks.

10. On March 17, 1999, I saw inmate Benson in the seizure clinic. At that time, he reported that he had no seizures, but he was complaining of two moles on his lower right abdomen. At that time, I prescribed Dilantin, 200 mgs. to be taken at 7:00 a.m. and 10:00 p.m. for six months. I also scheduled inmate Benson for removal of the moles in two weeks.

11. Inmate Benson's Dilantin levels were tested on March 18, 1999 and again on April 5, 1999. Inmate Benson continued to be seizure free and his seizure disorder condition was stable.

12. On March 31, 1999, I removed the two moles from inmate Benson's lower right abdomen. At that time, inmate Benson had no complaints concerning his seizure disorder condition.

13. On June 3, 1999, Nurse Grove noted on Plaintiff's prison medical chart that "inmate has been non-compliant [with] Dilantin x 9 days". I discussed this situation with Nurse Grove and scheduled inmate Benson to be seen on my doctor line on June 4, 1999. The medication administration record sheets for May and June, 1999 indicated that inmate Benson had been non-compliant with his anti-convulsive medication for a number of days.

14. On the morning of June 4, 1999, I examined inmate Benson who indicated that he had stopped his Dilantin for the past ten days. At that time, inmate Benson indicated, "I feel jittery when I take it and I won't take it." Inmate Benson also indicated that when he discontinued the Dilantin, that the jittery feeling was gone. At that time, I did not believe that it was medically necessary to continue the patient on the Dilantin in that he had been seizure free for six months; the patient had effectively taken himself off of the anti-convulsive medication for a number of days; and his seizure disorder condition had been stable throughout his time at SCI-Smithfield.

15. When I discontinued inmate Benson's Dilantin on June 4, 1999, he had not been prescribed and was not taking any other medications at that time.

16. On June 8, 1999, Physician Assistant Ray McMullen saw inmate Benson in the seizure clinic. At that time, inmate Benson reported that he was doing okay and had "recently stopped Dilantin of his own choice."


17. I did not examine, evaluate and/or treat inmate Benson again at any time between June 4, 1999 to August 24, 1999, the date of his transfer to the Adams County Prison. Moreover, inmate Benson's prison medical chart does not indicate that there were any complaints and/or problems with respect to his seizure disorder during that time.

18. I do not recall receiving any request for anti-convulsive medications from inmate Benson after June 4, 1999 and before his transfer to the Adams County Prison. Even if such a request had been made, in my professional judgment, given Plaintiff's history of non-compliance with the Dilantin and the fact that he had been seizure free for more than six months, it was not medically necessary to continue the Plaintiff on Dilantin. Moreover, in my professional judgment, there were contraindications to prescribing Phenobarbitol at that time. In that regard, I had just discontinued Dilantin (a more appropriate anti-convulsive medication) secondary to inmate Benson's noncompliance; the inmate had a significant history of drug abuse; and Phenobarbitol is an addictive, barbituate. Thus,

even if a request was received, in my professional judgment, there was no medical need to change my previous orders discontinuing the Phenobarbitol and the Dilantin.

19. I was unaware that inmate Benson was seen by Dr. Ellien on July 27, 1999 through the telepsyche program. Moreover, I was unaware of and had no discussions with Dr. Ellien with respect to his treatment on that date and/or any medications prescribed by Dr. Ellien at that time.

Date: 11/15/01


Ronald Long, M.D.
Medical Director
SCI-Smithfield

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08/30/01

BENSON VS
ELLIEN

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JASON E. BENSON,
PLAINTIFF

VS

WILLIAM G. ELLIEN, M.D.,
et al.,
DEFENDANTS

NO. 1:CV-00-1229

DEPOSITION OF: JASON E. BENSON

TAKEN BY: DEFENDANT - DR. ELLIEN

BEFORE: TERESA K. BEAR, REPORTER
NOTARY PUBLIC

DATE: AUGUST 30, 2001, 12:22 P.M.

PLACE: SCI SMITHFIELD
1220 PIKE STREET
HUNTINGDON, PENNSYLVANIA

APPEARANCES:

JASON E. BENSON, PRO SE
MONAGHAN & GOLD, P.C.
BY: ALAN L. BUTKOVITZ, ESQUIRE

FOR - DEFENDANT - DR. ELLIEN

LAVERY, FAHERTY, YOUNG & PATTERSON
BY: JAMES D. YOUNG, ESQUIRE

FOR - DEFENDANT - DR. LONG
THOMAS, THOMAS & HAER
BY: KEVIN C. McNAMARA, ESQUIRE

FOR - ADAMS COUNTY DEFENDANTS

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<p style="text-align: right;">2</p> <p>1 TABLE OF CONTENTS</p> <p>2 WITNESS</p> <p>3 FOR DEFENDANT - DR. ELLIEN DIRECT CROSS</p> <p>4 Jason E. Benson</p> <p>5 By Mr. Butkovitz 3 -</p> <p>6 By Mr. McNamara - 58</p> <p>7 By Mr. Young - 113</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 Q And therefore all responses have to be verbal,</p> <p>2 that gestures, shakes of the head, nods, winks cannot be</p> <p>3 recorded. Do you understand that?</p> <p>4 A Yes, I do.</p> <p>5 Q And do you understand that we cannot both</p> <p>6 speak at the same time so that one of us will have to stop</p> <p>7 while the other is talking or otherwise it will be a jumble</p> <p>8 in the notes. You are Jason Benson?</p> <p>9 A I am.</p> <p>10 Q And what is your birth date?</p> <p>11 A 9/27/76.</p> <p>12 Q And your social security number?</p> <p>13 A 565-45-7862.</p> <p>14 Q And your inmate number?</p> <p>15 A DS6483.</p> <p>16 Q How long have you been incarcerated?</p> <p>17 A A little over three years.</p> <p>18 Q So in 1998?</p> <p>19 A Since May 23rd of 1998.</p> <p>20 Q And where were you incarcerated?</p> <p>21 A I was incarcerated in Adams County.</p> <p>22 Q When were you transferred to this facility?</p> <p>23 A In February of 1999.</p> <p>24 Q In February of 1999?</p> <p>25 A Correct.</p>
<p style="text-align: right;">3</p> <p>1 STIPULATION</p> <p>2 It is hereby stipulated by and between counsel</p> <p>3 for the respective parties that reading, signing, sealing,</p> <p>4 certification and filing are waived; and that all objections</p> <p>5 except as to the form of the question are reserved to the</p> <p>6 time of the trial.</p> <p>7</p> <p>8 JASON E. BENSON, called as a witness, being</p> <p>9 sworn, testified as follows:</p> <p>10</p> <p>11 DIRECT EXAMINATION</p> <p>12</p> <p>13 BY MR. BUTKOVITZ:</p> <p>14 Q Mr. Benson, my name is Alan Butkovitz. I'm</p> <p>15 the attorney for Dr. Ellien. I'm going to ask you some</p> <p>16 questions about the amended complaint you have filed against</p> <p>17 him and his codefendants in this case. If there is anything</p> <p>18 that I say that is not clear to you, would you please stop</p> <p>19 me and ask me to explain it?</p> <p>20 A Sure.</p> <p>21 Q You understand that this is a deposition,</p> <p>22 which means that it is a series of questions and answers</p> <p>23 under oath that is being written down by this court</p> <p>24 reporter?</p> <p>25 A Yes.</p>	<p style="text-align: right;">5</p> <p>1 Q And you've been here since then?</p> <p>2 A Yes.</p> <p>3 Q What sentence are you serving?</p> <p>4 A I'm serving three to six years.</p> <p>5 Q Three to six years?</p> <p>6 A Correct.</p> <p>7 Q And what is that for?</p> <p>8 A I'd have to object to that because I don't</p> <p>9 know how relevant that is.</p> <p>10 MR. YOUNG: Well, we're entitled to inquire</p> <p>11 into that because it may lead to the discovery of admissible</p> <p>12 evidence because certain crimes would be admissible at the</p> <p>13 time of trial and the only way we'll know that is if you</p> <p>14 answer the questions.</p> <p>15 THE WITNESS: Well, just so the objection is</p> <p>16 on the record and -- I'll tell you that I was here for</p> <p>17 conspiracy to robbery.</p> <p>18 BY MR. BUTKOVITZ:</p> <p>19 Q Is that the only time you have ever been</p> <p>20 convicted of any crime?</p> <p>21 A No.</p> <p>22 Q What are your prior convictions?</p> <p>23 A I had a violation of the Uniform Firearm's Act</p> <p>24 as a juvenile.</p> <p>25 Q When was that?</p>

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1 Q Getting back to the incident on the 30th when
2 you had the seizure, do you have any reason to believe that
3 Lieutenant Orth would have deliberately permitted you to lay
4 there while you were in need of medical attention?

5 A It didn't seem as though I was a priority.

6 Q Well, you were out of it at the time. Do you
7 have any reason to believe that Lieutenant Orth was grinding
8 an ax?

9 A I have no reason to believe otherwise.

10 Q Well, did you have any kind of problem with
11 Lieutenant Orth before that night?

12 A No.

13 Q Is it possible Lieutenant Orth truly thought
14 that you were okay when he looked in on you at around three
15 o'clock?

16 A It was obvious that I wasn't okay. I mean,
17 when they go to the extent of filing an extraordinary
18 occurrence report that says, well, this is seizures, he's
19 not responsive, he's got blood coming out of his mouth, he's
20 fine, that doesn't add up to me.

21 Q I suggest you might have the chronology a
22 little wrong, but what I'm saying to you is it possible that
23 Lieutenant Orth subjective thought that there wasn't a
24 serious problem with you when he looked in on you?

25 A I can't believe that.

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1 Q In Paragraph 14 of the same affidavit it says
2 John Jennings sprayed me in the face and mouth with OC spray
3 and helped Thomas Duran, Bruce Chuck, Debra Hankey, William
4 Orth, Ray Heintzelman, David Vazquez and Briton Shelton
5 assault me.

6 A That's got to be a typo.

7 Q I assure you it says David Vazquez.

8 A Oh, I'm sure, but what I'm saying is that's
9 got to be -- on my behalf that's got to be a typo. I
10 wouldn't have put Mr. Vazquez in there with those -- that
11 lot because it's not the same. That has to be a --

12 Q But he was included in there by mistake?

13 A Correct.

14 Q Now, you say that after Jennings sprayed you
15 he helped these other listed individuals assault you. Do
16 you know if Debra Hankey ever laid a hand on you?

17 A From what I can tell from the video -- I mean,
18 she was off to the side. When I say that she aided, she
19 didn't stop it either, by allowing it to go on, when she has
20 the authority to say, listen, this has gone far enough, you
21 can stop this. I include her as part of the scene, if you
22 will.

23 Q Was she in charge there?

24 A She was the deputy warden.

25 Q Who was the senior person there?

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1 Q You generated an affidavit at one point in
2 time that might have been in response to a motion.

3 A Um-hum.

4 Q Do you remember doing that?

5 A Sure.

6 Q Did you type the affidavit yourself?

7 A Yes, I did.

8 Q And in the affidavit it says that you swear
9 under penalties of unsworn falsification that everything is
10 true and correct. Did you tell the truth in this?

11 A Yes, I did.

12 Q Absolute gospel truth, no misstatements or
13 anything false in it?

14 A As far as I know, yes.

15 Q How about mistakes? Are there any mistakes in
16 it that you know of?

17 A I don't believe so.

18 Q Let me just ask you about two parts of it. In
19 Paragraph 9 it says soon thereafter on August 30th, 1999 I
20 was witnessed by William Orth and David Vazquez to be in a
21 convulsive state.

22 A I recanted that when I withdrew the charges on
23 Officer Vazquez. So, yes, as far as that's concerned, that
24 is correct, I did make a mistake there and I did withdraw
25 the -- my case against him. I'm not out to be malicious.

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1 A Thomas Duran.

2 Q He was the warden at the time?

3 A Yes, he was.

4 Q So Debra Hankey would not have been in charge
5 of the situation. Is it possible that Deputy Warden Hankey
6 was actually operating the videocamera? Do you have any
7 recollection of that?

8 A I couldn't say that for sure. I saw her in
9 the video, though, so I can't say that because she was
10 actually in the video.

11 MR. McNAMARA: Those are all the questions I
12 have for you. Thanks for your patience.

13

14 CROSS-EXAMINATION

15

16 BY MR. YOUNG:

17 Q I'm Jim Young. I represent Dr. Long. I'm not
18 going to go over everything that you've already testified
19 to, but there are some areas I just want to follow up on.
20 In February of '99 when you came to SCI Smithfield you were
21 on the phenobarbital, correct?

22 A Correct.

23 Q And was that 10 milligrams -- I'm sorry, 30
24 milligrams in the morning and 90 milligrams in the
25 afternoon?

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1 A That sounds right.
 2 Q And as I understand it, you complained about
 3 the phenobarbital because it was making you — I think what
 4 you testified to was drag?
 5 A Lethargic.
 6 Q You felt lethargic, sluggish, things of that
 7 nature. Do you recall seeing Dr. Long on March 17th of
 8 1999?
 9 A March 17th, 1999. Perhaps.
 10 Q Do you recall him at that time prescribing for
 11 180 days, which would be six months, Dilantin for you?
 12 A Yes.
 13 Q Was there any discussions with Dr. Long before
 14 he prescribed the Dilantin for you?
 15 A This would be an introductory period at that
 16 time. And if there was any discussion, it was just about
 17 general health questions, things of that nature.
 18 Q At that time did you discuss with him that you
 19 had not had any seizures at all since at least December of
 20 '98?
 21 A I believe that would be accurate, yes.
 22 Q When you were initially prescribed the
 23 Dilantin, was it two 100 milligram capsules at 7 a.m.?
 24 A I really don't recall, to be honest with you,
 25 what the exact dosage was at that time because I've taken

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1 did I want to see my psychiatrist and I said, yes, I do.
 2 Q Did you also say this is bullshit, look how
 3 I'm treated. I don't have a mattress, my jumpsuit doesn't
 4 have buttons?
 5 A I was butt naked underneath, yes.
 6 Q At that point in time did she refer you for a
 7 psychological evaluation the next day?
 8 A I don't know if she referred me to anything or
 9 not.
 10 Q The Dilantin, do you recall if prior to being
 11 transferred to H block whether you had taken the Dilantin
 12 that day, May 25th of '99?
 13 A If it was prescribed, then yeah I did.
 14 Q But do you have a specific recollection as you
 15 sit here that you were taking it up in H block in May of
 16 '99?
 17 A Yeah. While I was in H block?
 18 Q Yes.
 19 A Yes.
 20 Q Did there ever come a time between May 26 and
 21 May 31st when you refused to take the Dilantin?
 22 A No, never.
 23 Q Are you familiar with a nurse, either Kristin
 24 or Trish is the first name, providing treatment for you in
 25 early June of '99?

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1 700 milligrams, 400 milligrams. It's varied so often I
 2 don't recall.
 3 Q If the prescription was for six months on
 4 March 17th of '99, can we agree that that prescription would
 5 be good through September 16th of '99?
 6 A Yes, it would.
 7 Q Your records indicate that in May you were
 8 taking two capsules, a hundred milligrams each, in the
 9 morning at 7 a.m. and at 10 p.m. of Dilantin. Is that
 10 consistent with your recollection?
 11 A It may be.
 12 Q You have no firm recollection as you sit here?
 13 A I have no firm recollection, no.
 14 Q Do you know a registered nurse by the last
 15 name Griffith?
 16 A No.
 17 Q In May of '99 were you in lockup?
 18 A I'd have to consult my personal records on
 19 that one. I'm not sure. I may have been. May of 1999.
 20 Q Is H block a disciplinary block?
 21 A Yes, it is. If it says I was there ...
 22 Q Do you recall saying to her after you were
 23 placed in lockup, yes, I want to see a shrink?
 24 A She asked me if I was seeing a shrink. I
 25 said, yes, I was seeing Ellien at that time. She asked me

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1 A No.
 2 Q Do you have any knowledge of a registered
 3 nurse going to Dr. Long on June 3rd, '99 and reporting that
 4 you had been noncompliant with your Dilantin for nine days?
 5 A I don't see why they would have.
 6 Q Do you have any information to the contrary,
 7 that no nurse had in fact done that?
 8 A I was taking the meds in my cell at that
 9 time. So, I mean, they wouldn't have known whether or not I
 10 was taking it or not. I was taking it, though.
 11 Q But you'd have no knowledge one way or the
 12 other whether that information was communicated to the
 13 doctor on June 3rd?
 14 A No, I wouldn't know.
 15 Q You did see Dr. Long on June 4th of '99,
 16 correct?
 17 A Yes.
 18 Q You hadn't signed up for sick call or for the
 19 doctor line, correct?
 20 A June 4th, I believe that was seizure clinic.
 21 Q Well, you were seen June 8th, '99 by Physician
 22 Assistant McMullen at the seizure clinic. June 4th had you
 23 signed up for medical treatment?
 24 A I don't recall.
 25 Q Do you recall a discussion with Dr. Long at

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1 that point that at that point in time you hadn't taken
2 Dilantin for 10 days?
3 A No, but I had told Dr. Long at that point -- I
4 believe I know what conversation you're referring to. What
5 I told Dr. Long at that point was that the Dilantin -- and I
6 got into the side effects I was speaking about earlier, with
7 it making me jittery, shaky, things of that nature, and I
8 wanted to switch from Dilantin back to phenobarbital. He
9 said, well, I just switched you, you know, you just made the
10 transition from Dilantin to phenobarbital.
11 Q Two months after you had requested to be
12 switched from phenobarbital to the Dilantin --
13 A Exactly.
14 Q -- you're asking to switch back?
15 A Yeah, because of the side effects of the
16 Dilantin.
17 Q Did you indicate on June 4th, '99 to Dr. Long
18 that you feel jittery when you take the Dilantin?
19 A You said June 4th?
20 Q Yes.
21 A Yeah.
22 Q So that part of your progress note for June
23 4th, '99 is accurate, correct?
24 A Yes.
25 Q Did you also indicate to him that you wouldn't

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1 the PDR. That's the only thing --
2 A Do any of you have that same problem because I
3 can make sure you all get copies of it if you need it?
4 MR. BUTKOVITZ: I don't have anything,
5 including the complaint.
6 BY MR. YOUNG:
7 Q Provide me with a copy of it and I'll pass a
8 copy on to everybody else.
9 A Most definitely. I don't want there to be any
10 confusion.
11 Q Between June 4th of '99 when the Dilantin was
12 discontinued and August 25th, 1999 when you were transferred
13 to Adams County Prison, you had not had any seizures,
14 correct?
15 A Say this question again, please.
16 Q Between June 4th, '99 and August 25th, '99,
17 which is the day you were transferred to Adams County
18 Prison --
19 A Right.
20 Q -- you had not reported --
21 A Oh, no, no.
22 Q -- any seizures, correct?
23 A None.
24 Q I want to make a very clear record so we
25 understand this here today. Did you have any seizures

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1 take it, I won't take Dilantin anymore?
2 A No, no.
3 Q So that part --
4 A I asked him to switch it and he said I'm not
5 going to switch it. And I never got it ever again. So that
6 was --
7 Q Did you also have a discussion at that point
8 in time that the last seizure you had was prior to Christmas
9 of '98?
10 A Yes.
11 Q As I understand it, prior to being transferred
12 to Adams County for the PCRA hearing on August 25th, '99 you
13 had no further personal contact with Dr. Long, correct?
14 A No. I had sent him a request asking him to
15 reconsider the seizure medicines, to place me back on the
16 seizure medication, but I got no response from him.
17 Q In your amended complaints you reference a
18 request -- on June 15th you indicate that -- it's attached
19 as Exhibit H to your amended complaint. Through various
20 pleadings that have been filed, I have four different copies
21 of your amended complaint and I have no copy of that
22 request. Do you still have that request?
23 A Yes, I do. I can send it to you if you don't
24 have it. I can't believe that you don't.
25 Q Well, listed as Exhibit H are two pages out of

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1 between June 4th, '99 and August 25th, '99?
2 A No.
3 Q So you had been off the Dilantin for almost
4 three months?
5 A Correct.
6 Q All of June, all of July and 5, 6 of August at
7 the time of your transfer?
8 A Correct.
9 Q And you had had no problems with seizures?
10 A No.
11 Q And you had no additional contact one on one
12 with Dr. Long?
13 A Not one on one, no.
14 Q Other than the one request that you sent to
15 him asking him to switch the medications back --
16 A Correct.
17 Q -- did you have any other contact with Dr.
18 Long?
19 A No.
20 Q What in your own words is the basis of your
21 claim against Dr. Long?
22 A I had asked Dr. Long to take me off of the
23 Dilantin, discontinue Dilantin and place me on
24 phenobarbital, instead he discontinued the phenobarbital and
25 gave me no alternatives.

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1 Now, I say that that is deliberately
 2 indifferent to my serious medical needs because it is known
 3 to medical professionals, people that deal with this sort of
 4 pharmacology and things of that nature, it is known to
 5 medical professionals, doctors, etcetera, that if you
 6 abruptly discontinue the drug Dilantin that it will
 7 precipitate into a status epilepticus attack.

8 Q What's your definition of abrupt?

9 A Abrupt meaning right away, without -- you
 10 know, abrupt is abrupt, you know.

11 Q Your Dilantin was discontinued on June 4th of
 12 '99?

13 A Um-hum.

14 Q And you had no seizures until August 30th of
 15 '99, correct?

16 A Correct.

17 Q Had any of your treating doctors ever
 18 discussed with you any side effects or contraindications
 19 from prolonged -- from taking on a prolonged basis a drug
 20 such as phenobarbital?

21 A No.

22 Q When was the first time you had ever consulted
 23 the Physician's Desk Reference with respect to Dilantin?

24 A When I first saw Dr. Ellien using it and I had
 25 seen one in the medical. And then when I got back from --

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1 the catacombs in the infirmary until you do take it, you
 2 know.

3 Q Do you have any personal knowledge that the
 4 nurses communicated those comments to Dr. Long?

5 A I don't have any personal knowledge that they
 6 did or they didn't.

7 Q As of June or July of '99 you had been in the
 8 state correctional system for 10 or 11 months, correct?

9 A Correct.

10 Q Now, when you were committed to the state
 11 correctional system, you were given an inmate handbook?

12 A Um-hum.

13 Q The inmate handbook explains to you the sick
 14 line procedures?

15 A Sure.

16 Q It explains to you how to submit a request to
 17 be seen on the medical line?

18 A Yes.

19 Q You didn't between June 4th of '99 and August
 20 25th of '99 submit any request for sick line or to be seen
 21 on Dr. Long's M.D. line, correct?

22 A I had just been seen by the seizure clinic and
 23 referred to -- I believe it was Hoffman for a PA.

24 Q That's not my question. You had not submitted
 25 any --

123

1 from Adams County Prison and out of Gettysburg Hospital, I
 2 figured, well, that would be a good reference, a good place
 3 to start, considering that's the -- their source of
 4 information and given my limited knowledge, you know what I
 5 mean. Maybe I can -- maybe I can learn and try to figure
 6 out and try to understand what happened.

7 Q In response to questions about an hour and a
 8 half ago you indicated that Dr. Long wouldn't see you.
 9 Wasn't your June 15th, '99 request simply can I have the
 10 medication that I used to have?

11 A I asked for a seizure medicine, period. I
 12 told him in that -- if you're not comfortable with giving me
 13 the Dilantin -- or the phenobarbital, then just put me back
 14 on the Dilantin but just don't leave me with nothing
 15 because, you know, I'm going to be in serious jeopardy here.

16 Q You didn't put in a request -- ever put in a
 17 request to be examined by him or be treated by him and then
 18 he refused to examine you, correct? I had that you had
 19 testified previously that Dr. Long wouldn't see you.

20 A I had asked -- I had asked the nurses, you
 21 know, because if you have an issue such as this where they
 22 consider Dilantin, phenobarbital, things like that life
 23 sustaining medication and if you say I'm not taking it,
 24 that's a big issue here and they're going to take you and
 25 they're going to put you, like I said, back in what I call

125

1 A Oh, you're asking whether or not I had put in
 2 a sick call slip?

3 Q Yes.

4 A No.

5 Q And you had put in no written request to be
 6 seen in Dr. Long's M.D. line?

7 A No, I put in verbal requests and that one
 8 written request for him to place me back on medication.

9 Q Conspiracy for robbery, is that a felony?

10 A Most definitely.

11 Q Was there ever anytime while you were
 12 incarcerated at SCI Smithfield when you refused to take
 13 Dilantin?

14 A No.

15 Q You never once never signed any refusal slip
 16 with respect to Dilantin?

17 A Not with respect to Dilantin.

18 Q How about with respect to any other
 19 anti-seizure medication?

20 A Phenobarbital.

21 Q When did you refuse that?

22 A Several months ago.

23 Q In calendar year 2001?

24 A Probably, yes.

25 Q Have you been prescribed a medication

BENSON, JASON
08/30/01

BENSON VS
ELLIEN

126

1 Depakene?
 2 A Yes, I was.
 3 Q What was that prescribed for?
 4 A Petit mal seizures.
 5 Q When were you prescribed that?
 6 A I don't recall the date exactly.
 7 Q Did you ever refuse to take the Depakene?
 8 A Oh, yeah.
 9 Q And why did you refuse that?
 10 A I had to see the doctor because they had a
 11 younger doctor come in -- I wasn't seeing Long, understand,
 12 after September -- or a little after September, maybe
 13 October. I wasn't seeing him. And so they had other
 14 doctors come in to see me every once in a while and it was
 15 this other younger fellow who prescribed the Depakene. I
 16 had a bad reaction to it. I was wobbly and nauseous and --
 17 he said you've got to be taken off of it. So they took me
 18 off of it.
 19 And in respect to the phenobarbital, I had
 20 asked to be seen about these petit mal seizures because they
 21 had got worse once I got back from Adams County. I had
 22 asked to be seen over and over again. The only reliable way
 23 to actually get in here was to stop taking the med so I
 24 stopped taking it.
 25 Q And that was in October of 2000?

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1
 2 COUNTY OF DAUPHIN :
 : SS
 3 COMMONWEALTH OF PENNSYLVANIA :
 4 I, Teresa K. Bear, Reporter-Notary Public,
 5 authorized to administer oaths within and for the
 6 Commonwealth of Pennsylvania and take depositions in the
 7 trial of causes, do hereby certify that the foregoing is the
 8 testimony of JASON E. BENSON.
 9 I further certify that before the taking of
 10 said deposition, the witness was duly sworn; that the
 11 questions and answers were taken down stenographically by
 12 the said Teresa K. Bear, a Reporter-Notary Public, approved
 13 and agreed to, and afterwards reduced to typewriting under
 14 the direction of the said Reporter.
 15 I further certify that the proceedings and
 16 evidence are contained fully and accurately to the best of
 17 my ability in the notes taken by me on the within
 18 deposition, and that this copy is a correct transcript of
 19 the same.
 20 In testimony whereof, I have hereunto
 21 subscribed my hand this 11th day of September,, 2001.
 22
 23
 24 Teresa K. Bear, Reporter
 Notary Public
 My commission expires
 on April 13, 2003
 25

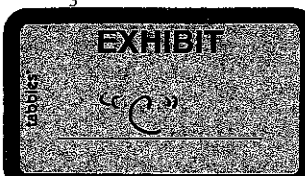
127

1 A Like I said, I think the refusal was in this
 2 year, but I may be wrong. I may be wrong. I'm not entirely
 3 sure, to be honest.
 4 MR. YOUNG: That's all I have.
 5 (The deposition was concluded at 2:58 p.m.)
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DEPOSITION AFFIDAVIT OF RECORD CUSTODIAN

I, Kimberly A. Kline, the undersigned, being duly sworn according to law, depose and say that I am a duly authorized Custodian of Records for **SCI-Smithfield** with the authority to certify said records, and I hereby certify to the following:

1. The records attached hereto are true and correct copies of the records in my custody pertaining to **Jason Benson, Inmate # DS-6483**;
2. That, including this certification, all records called for in the attached Subpoena Duces Tecum which are in my custody, have been photocopied at my office, in my presence, at my direction and under my supervision by Kimberly A. Kline;
3. That unless qualified in Paragraph 5, all records produced in my presence were prepared in the ordinary course of business by authorized personnel at or near the time of the act, condition or event; and
4. A careful search has been made by me or at my direction for records pertaining to the above identified individual and the records produced pursuant to the attached



C-1

Subpoena Duces Tecum constituted and are the records of the individual so identified;

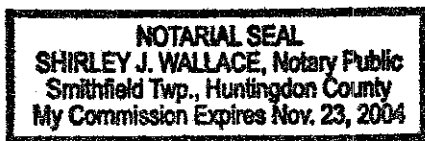
5. Additional comments _____

I declare that the foregoing facts as are within my personal knowledge are true and correct and the other facts contained herein are true and correct to the best of my knowledge, information and belief.

EXECUTED ON: 9/11/01 Medical Records Dept.
(Date) (Location)
Kimberly A. Kline, RHIT
(Print or type name)
Medical Records Supervisor
(Print or type title and position)
Kimberly A. Kline, RHIT
(Signature)

Sworn to and subscribed before me
this 11 day of Sept, 2001.

Shirley J. Wallace
Notary Public
My Commission Expires On:



PHYSICIAN'S ORDERS

Drug Allergies:

Self-Medication Program ☐ Yes ☐ No

Benson, Jason
 DS 6483
 927-76
 Smithfield

Date/ Military Time	Prob #	DO NOT USE THIS SHEET UNLESS A RED NUMBER SHOWS
2-11-99 1200		V.C. Dr. Long's fun:
2-11-99 1300		- Phenobarbital 30mg + p.o. q AM (30mg) x 30d
2-11-99 1300		- Phenobarbital 30mg + p.o. q PM (90mg) x 30d
		L. Blaxter
2-12-99 1335	A	① Phenobarbital 30mg + p.o. q AM x 90d
		② Phenobarbital 30mg + p.o. q PM x 90d
		③ Pb level
		④ Add to seizure clinic
		RONALD A LONG, M.D.
2-24-99 0900	A	① Dilantin 200mg p.o. bid at 0700 hrs and 2200 hrs x 90d.
		② 8/c phenobarbital in 7 weeks
		③ Dilantin level 6 weeks
		RONALD A LONG, M.D.
		2-24-99 CMC L. Blaxter

PLEASE USE BALL POINT PEN ONLY

PHYSICIAN'S ORDERS

Benson JASON

DSL6483

9-27-76

SC15mi

Drug Allergies:

NKA

Self-Medication Program ☐ Yes ☐ NoDate/
Military
TimeProb
#DO NOT USE THIS SHEET
UNLESS A RED NUMBER SHOWS3/17/99
1020

A

① Refer to optometrist

re: difficulty seeing

② Dilantin level

③ Dilantin 200 p.o. b.i.d. at
0700 hr & 2200 hr x 180 days④ Schedule male removal
Time 2 weeks - lower
abdomen - rightRitchie, R. 317-99 1042
Meredith, R.

RONALD A LONG, M.D.

PHYSICIAN'S ORDERS

Drug Allergies:

NKA

Self-Medication Program ☐ Yes ☐ No

Benson JASON

DS6483

927-76

SCISM

Date/ Military Time	Prob #	DO NOT USE THIS SHEET UNLESS A RED NUMBER SHOWS
0810		
4-28-99		
6-4-99		
0920		
6-4-99		
0920		
6-8-99	A	① Cant on secure clinic
1515		
C		
7-23-99		
910		

S. CRAIG HOFFMAN PA - C

RONALD A LONG, M.D.

RAY McMULLEN, PA-C

DR. MIGUEL SALOMON M.D.

DR. MIGUEL SALOMON M.D.

PLEASE USE BALL POINT PEN ONLY

C-5

07/27/99 18:22 FAX 814 533 9813

W. ELLIEN M.D.

014

PHYSICIAN'S ORDERS

Inmate Name: Jason Benson

Inmate Number: OS 6483

DOB: 9-27-76

Institution: Smithfield C

Drug Allergies:

NKA

Self-Medication Program ☐ Yes ☒ No

Date/ Military Time	Prob #	DO NOT USE THIS SHEET UNLESS A RED NUMBER SHOWS	1
7-27-99	6	① Next appointment in 1 month.	
1615 hrs		② Ativan 1mg PO q 6 hrs PRN anxiety, attach: max 2 doses/day; max 6 doses/week; for 1 month	
		③ Begin Imipramine 50mg PO b.i.d., through 3 Aug '99.	
		④ On 4 Aug '99 - increase Imipramine to 75mg PO b.i.d., daily, through 10 Aug 1999.	
		⑤ On 11 Aug '99 - increase Imipramine to 100mg PO b.i.d., daily, for 5 months.	
		⑥ On/about 19 Aug 1999 - obtain Tefenil (Imipramine + desipramine) blood level in AM.	
		William H. Grove MD	
		William Grove MD 7/27/99 2000	
		Barb Grove, L.P.N.	
		Received	
		JUL 27 1999	
		SCI-Smithfield	
		Medical Records Department	
		JUL 27 1999	
		SCI-SMITHFIELD	
		Medical Records Dept.	

PLEASE USE BALL POINT PEN ONLY

c-6

PHYSICIAN'S ORDERS

Benson, Jason

DS 6483

9-27-76

SCI-Smithfield

Drug Allergies:

Self-Medication Program ☐ Yes ☐ NoDate/
Military
TimeProb
#DO NOT USE THIS SHEET
UNLESS A RED NUMBER SHOWS

8/19/99 B.

Serzone 100mg po HS x 3 days

then Serzone 200mg po HS x 30 days

Review ^{Envy 94} in ~~2 weeks~~ with Dr. Elton as previously ordered 7/27/99 (scheduled)

o/c imipramine.

J. Hoffman

1445
8-31-99

A

① Deltacort 100mg tri pills P.O. QD x 30 days (today)

② Deltacort level on 1 wk

③ Saline Gargle 5 x daily x 7 days

④ Momet 600mg T tab Q 8H PRN x 2 day (today)

⑤ PRN PRN, Add to seizure clearance

⑥ Serzone 200mg T tab P.O. QHS x 30 day

⑦ To Psych 9-1-99 for eval

S. CRAIG HOFFMAN PA - C

Ronald Long, M.D.

07/27/99 18:22 FAX 814 533 8913

W. ELLIEN M.D.

013

Jason Benson
27 July 1999
1615 hours
Problem #B

Smithfield - Progress Note for Psychiatry:

The patient was clinically evaluated, today, for psychiatric needs. First appointment here.

S. The patient reported that he has been adjusting well at Smithfield overall. He has begun to have periodic periods of feeling dizzy, confused, tightness in his chest, sweating and feels that the "whole world stops". He has also had problems with sleep but he denies any energy, appetite or mood problems and he has had no suicide thoughts or psychotic symptoms. He has been hospitalized for this in the past. We discussed "temporary" use of Ativan and "preventive" treatment with Tofranil. We reviewed for each medicine its benefits and indications, its side effects and precautions and medicine-medicine interactions. He noted his understanding and gave consent.

O. Current Medication: no medicines at present.

Affect: anxious, irritable; mood: anxious
Denies suicide thoughts; no psychosis or agitation.
No EPS or abnormal movements on examination.

Diagnosis: Panic Disorder without agoraphobia

ICD-9 CM: 300.01

Axis 5: GAF = 52

- P. 1. Next appointment in 1 month.
2. Begin Tofranil 50mg hs for 1 week, then increase to 75mg for 1 week, then increase to 100mg hs, daily.
3. Check Tofranil blood level in 3 weeks.
4. Ativan 1mg q6hrs PRN anxiety attack: max of 2 doses/day; 6 doses/week.

Received

JUL 27 1999

SCI-Smithfield
Medical Records Department

William G. Ellien MD
William G. Ellien, M.D.

Progress Notes
Commonwealth of PA
Dept. of Corrections
DC-472

Inmate Name: Jason Benson
Inmate Number: DS 6483
DOB: 9-27-76
Institution: Smithfield

Filed
JUL 28 1999
SCI-SMITHFIELD
Medical Records Dept.

CONFIDENTIAL

PSYCHIATRIC EVALUATION

INMATE NAME: BENSON, JASON

DOC NUMBER: DS6483

DATE OF EVALUATION: 8/19/99

INSTITUTION: SCI-Smithfield

Patient Evaluation: The patient is seen today, earlier than his scheduled appointment as he stopped Tofranil 50 mg hs after taking it for three days. It was started on July 27, 1999, however, he stopped it for feeling nauseated and sick. He acknowledges that nausea is one of the symptoms of panic disorder. However, he claims that the medication aggravated nausea "twice as much."

Since his first panic attack in 1996, the combination of Xanax or Ativan and Ambien was most successful to control panic attacks. However, due to the high cost of medications and some other reasons, he has been tried on many other different medications with no great success. He has been tried on different antidepressants, tricyclics, SSRI, or a typical antidepressant and nothing seems to work.

Typically, he would go to bed around 9:30 or 10:00 p.m. and try to read to induce sleep. However, he is not able to sleep until 5:00 a.m. and can sleep only a couple hours to start the day.

His anxiety attacks typically would last one or two minutes before he would snap out of it. Recently, he has experienced anxiety attacks approximately once a day, seven or eight times a week. He claims that if he is able to sleep well at night, the next day would be easier and he would not have problems going through the day.

He reports that previously he was tried on Desyrel up to 300 mg hs with no benefit. He says, so far, he has not tried Serzone. After discussion, he is agreeable to trial of it.

Diagnosis: No change.

Recommendation:

1. Discontinue imipramine.
2. Start Serzone 100 mg p.o. hs for 3 days, then 200 mg p.o. hs for 30 days
3. Review with Dr. Ellien as previously scheduled that is one month from July 7, 1999.

Jin Ha Yun
Jin Ha Yun, M.D.
Psychiatrist

Receiver

AUG 27 1999
SCI-SMITHFIELD
Medical Records Department

File
AUG 27 1999

C

PROGRESS NOTES

[] Outpatient

[] Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
2-11-99 1200	A	Nsg	Received from SCI Camp Hill to SCI Smithfield - Meds. Cleared for general population. On PA line 2/12/99 for DC 480 completion + need for bathroom break / bathroom tier Rt. Rx seizure disorder. Meds renewed. Inmate needs understanding of medical process / co-pay program. (Information) sheet given - K. Klotz -
2-12-99 1330 E	A	Med	A 22yo was here today as new intake. Hx of seizure disorder since early childhood - He reports his last seizure was 2 mos ago - Because he had stopped his medication - Day well now. Rx to 3mg i.p. qam till 8 pm. C: WT-175- BA-110/62 Chest clear Heart neg/r - A: Seizure disorder P: Disorders DC 480 completed. R. M. Mullen
2-10-99		Med	Pb level - 7.5 - Remain seizure free x 2 mos - No change in Rx. R. M. Mullen

Progress Notes
Commonwealth of Pennsylvania
Department of Corrections
DC-472

Inmate Name:

RAY McMULLEN, PA-C
Benson, Jason

Inmate Number:

DS 6483

DOB:

9.27.76

Institution:

Smithfield

C-10

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
2/24/99 0900	A	MD	<p>s/ Had seizure since birth Last seizure before Christmas. Usually experienced seizure while intoxicated on alcohol. Stopped medication prior to Christmas seizure. of General - NAD Neuro - oriented x 3; no focal finding. A/1 Seizure discharge P/1 Switch from DB to Dilantin - pt acceptable</p> <p>RONALD A LONG, M.D.</p>
3/17/99 1000	A	MD	<p>Seizure Clinic</p> <p>s/ c/o seizure; both hands & cannot hold anything. Bad vision recently to double vision while reading. c/o 2 lesion lower abdomen of abd - 2 pigmented moles. A/1 Seizure discharge - stable 12 2 pigmented moles 13 Skin D P/ See order</p>

PROGRESS NOTES

[] Outpatient

[] Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
1/19/99 935	A	MD	<p>Phonogram Lab/CR</p> <p>Delantia 7.2 ug/ml</p> <p>- PT has been seizure free</p> <p>despite subtherapeutic levels</p> <p>- <u>no change</u></p> <p>RONALD A LONG, M.D.</p>
1/31/99 950	1	MD	<p>s/ PT here for removal of</p> <p>2 cysts.</p> <p>of abd - 2 new (compared)</p> <p>in RLQ</p> <p>of new</p> <p>P/4) Under sterile conditions</p> <p>infiltrated area - 1% lidocaine</p> <p>& epinephrine. Sterile swabs</p> <p>for sharp resection. AgNO₃</p> <p>stick for bacteriostatic</p> <p>RONALD A LONG, M.D.</p>

Progress Notes
Commonwealth of Pennsylvania
Department of Corrections
DC-472

Inmate Name: Benson, Jason

Inmate Number: DS 6483

DOB: 09-27-76

Institution: SCI - Smithfield

C-

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
C.B.C. 4-28-99		PAC	⑤ ft request HCU test. Last sexual
I			contact 1 yr ago. HUSBAND INCARCERATED
			Henry past hr of possibly sexual
			behaviour and sexual drug use.
			Frothy foam was in SOB, decreased
			carcass skin / much lesions
			(A) HCU Test Review
			(P) Sex Cadaver

C. CRAIG HOFFMAN PA - C

PROGRESS NOTES

[] Outpatient

[] Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
5-25-99		Nsg. 17 th	Interviewed inmate on H-B after "lock-up" 3-"Yes, I want to see a shrink. This is bull shit. Look how I'm treated. I don't have a mattress; my jumpsuit doesn't have buttons" O-mild agitation noted. Past psych. Hx. (9) Conversation appropriate. Alert Oriented. Denies any ideation of self-harm. Psych. referral sent for 5-26AM D.A. Griffith, RNII 10/11/99
6-3-99 0910	A	Nsg	Inmate has been Non-Compliant & Delinquent x 9 days. Discussed & Dr Long - on MD line for 6-4-99. Just 1 hour
6/4/99 0915	A	MD	s/ Pt has stopped his Dilantin for past 10 days. "I feel jittery when I take it and I won't take it." Jittery feeling gone. Last seizure - Christmas off Noncompliant P/ 8/c Dilantin

Progress Notes
Commonwealth of Pennsylvania
Department of Corrections
DC-472

Inmate Name: Benson, Jason
Inmate Number: DS 6483
DOB: 9-27-76
Institution: SOG - Inmate

C-1

Date/Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
6-8-99 1520 C	A	Med	<p>Ad Pt here because seizure clinic - Reports day ok -</p> <p>Recently stopped Dilantin of his own choice -</p> <p>OI WT-187 BP 116/70</p> <p>Chest-clear Heart-regular -</p> <p>A: Seizure Disorder</p> <p>P: See orders</p>
7/27/99 1610	N39		<p>Remains</p> <p>Seen by Dr. Ellien on telepsych. / Wron</p>
8/15/99	40		<p>Lab work: 8/12/99:</p> <p>Supraclavicular Node Detected</p>
8/31/99			<p>DR. MIGUEL SALOMON</p> <p>Ref T.C from female @ Adams Co. - Inform</p> <p>that Benson is returning ATN -</p> <p>Just released from hospital S/P</p> <p>Seizure activity - Given Dilantin</p> <p>to P level @ hospital - No P.O. Dil</p> <p>today. Will need 70 for Dilantin</p> <p>on arrival - Stabilized for transport</p> <p>Shuler</p>
8/31/99	A	Ref	<p>Inmate states he went to Gettysburg</p> <p>hospital Sunday - 8/29/99. Was there</p> <p>for 1st day - Just D/C 4:30 AM @ 1130.</p> <p>Only c/o tongue - is bitten badly on both</p> <p>sides. - States he was D/C E Percept</p> <p>will obtain a home seen by P.L. -</p> <p>Hx Sy disorder - However noncompliant</p> <p>to take meds in June. Shuler</p>

[illegible]

MEDICATION 2-3-99
 PHENOCARBITAL 30MG TABLET MCMULLEN PAC 05-1599-
 TAKE 1 TABLET ORALLY IN THE MORNING AND 3 TABLETS
 (90MG) IN THE PM

mg Dilantin 800 mg po BID @ 7^{AM} + 2200 hrs

log. X 90 days 5/25

17 Dilantin 800mg p.o. b.i.d. @ 0700 + 2200 hrs. X 180 days 4/11

STARTING FOR 03/01/99 THROUGH 03/31/99

Hour	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
ZAM	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
4/5																															
7																															

File

IDENT	NAME	PATIENT NO.	ROOM	BED	FACILITY CODE	PAGE NO.
056483/BENSON	JASON	SHEN64	F		500000000	1

ALLERGIES
 HKA
 RESTORATIVE DENTIAL
 1999
 4/11/99
 4/11/99

MEDICATION
 DILANTIN 100MG CAPSULE LONG 091699
 TAKE 2 CAPSULES (200MG) ORALLY TWICE DAILY AT
 7AM-10PM
 PHENOBARBITAL 30MG TABLET MC MULLEN PAC 051599
 TAKE 1 TABLET ORALLY IN THE MORNING AND 3 TABLETS
 (90MG) IN THE PM

HOUR	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
7AM																															
7AM																															
4PM																															

HARTING FOR 04/01/99 THROUGH 04/30/99

FACILITY: SMITHFIELD SCI

VG- SIS NKA

ALLERGIES

RESTORATIVE POTENTIAL

PATIENT NO. ROOM BED FACILITY CODE DATE PAGE NO.

056483/BENSON

NAME JASON

56EN64

1119

1

SM99999999

00/00/00

1

Medical

FIELD

PHENOBARBITAL 30MG TABLET MEMULLEN PAC 051599
TAKE 1 TABLET ORALLY IN THE MORNING AND 3 TABLETS
(90MG) IN THE PM

[illegible]

05/01/99 05/31/99

FACILITY: SMITHFIELD SEC. 9000

AG.
JSLIS

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ALLERGIES

RESTORATIVE POTENTIAL

ATTENT

✓ 77334-2-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-104

NAME HAZEL

PATIENT NO. 6514

ROOM

BED

FACILITY CODE
၆၂၆၄၄.၄၄၄၄၄၄

DATE 00/00/00

PAGE NO. 4

[illegible]

REGIONAL DEVELOPMENT POTENTIAL

115 8-28-99

Ativan 1mg q6h prn anxiety
max 2 doses/day max 6 doses/wk
8-3-99 SS

2. I improve songs as gd thru 8-3-07
then SS

10⁷ Imipramine 75mg po hs thru 8-10-99 8-10-99

1-11-00
12. Imipramine 100mg pohs x 5 months
SS

REPORTING FOR JUL 01 1999 THROUGH JUL 31 1999

NAME	NT
Benson Jason	DS6483

[illegible]

100

HS ~~2011/10/28~~

[illegible]

Figure 1

Sci-Smiled

<p>ALLEGIES</p>	<p>RESISTANCE POTENTIAL</p>
<p>NRH</p>	

PATIENT NO.	ROOM	BED	FACILITY CODE	DATE	PAGE NO.
	2				

[illegible][illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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16. 12/19/11

$\frac{1}{\sqrt{2}}$

Handwritten notes on graph paper:

Top right: $\frac{1}{2}$

Left side: $H.$

Bottom left: \rightarrow

Bottom right: d

1930 —————

OK
RAB

[illegible]

1930

ST. Smithfield

8-18

PATIENT NO.	ALLERGIES	RESTORATIVE POTENTIAL
ROOM		
BED		
FACILITY CODE		
DATE		
PAGE #11		

156483 Benson, Jason Eric 7

JERSEY SHORE HOSPITAL LABORATORY

JERSEY SHORE, PA 17740

PHONE: 717-398-1442

SPEMEN- 1

02/18/99

5:07

DANIEL HILL, M.D. DIRECTOR

** FINAL REPORT **

NAME: BENSON JASON

D.O.B. 9/27/76 AGE: 22 SEX: M

LOCATION: SCI-SMITHFIELD

NR #: DS6483

PHONE #:

ROOM:

ID #: DS6483

ORDERING DR: MCMULLEN, RAY

ACCESSION: 9048-GL4647

COPIES TO: 1)

COLLECTED: 2/17/99 09:25 SS

2)

RECEIVED: 2/17/99 16:43 SLJ

COMPLETED: 2/17/99 17:43

COMMENT: L.D. 700 2/17

PROCEDURE

RESULT

UNITS

EXPECTED RANGE

TECH

SPECIAL CHEMISTRY

THERAPEUTIC DRUGS

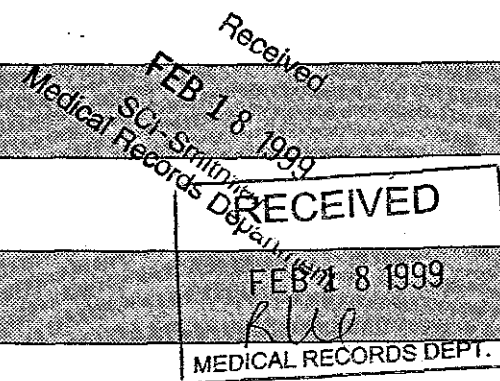
PHENOBARBITAL

7.5 L

ug/ml

15.0-40.0

MA

RAY MCMULLEN, PA-C
WHS

JERSEY SHORE HOSPITAL LABORATORY

JERSEY SHORE, PA 17740

PHONE: 717-398-1442

SPCHEM- 1

03/19/99

5:07

DANIEL HILL, M.D. DIRECTOR

** FINAL REPORT **

NAME: BENSON JASON

D.O.B. 9/27/76 AGE: 22 SEX: M

LOCATION: SCI-SMITHFIELD

MR #: DS6483

PHONE #:

ROOM:

ID #: DS6483

ORDERING DR: LONG, RONALD (SMITHFIELD)

ACCESSION: 9077-GL1895

COPIES TO: 1)

COLLECTED: 3/18/99 07:00 SS

2)

RECEIVED: 3/18/99 16:27 SLJ

COMPLETED: 3/18/99 19:25

COMMENT: PAST / L.D. 2200 3/17

PROCEDURE

RESULT

UNITS

EXPECTED RANGE

TECH

SPECIAL CHEMISTRY

THERAPEUTIC DRUGS

DILANTIN

7.2 L

ug/ml

10.0 20.0

MB

A
3-19-99
C0935
MAR

RONALD A LONG, M.D.

Received
MAR 19 1999
SCI-SMITHFIELD
Medical Records Department
Filed
MAR 19 1999

SCI-SMITHFIELD
Medical Records

C-24

04/05/99 22:00

*** LAST PAGE FOR THIS ACCESSION [1 OF 1] *** PATIENT'S #:
 *** MICROBIOLOGY REPORT ***

JERSEY SHORE HOSPITAL LABORATORY

JERSEY SHORE, PA 17740

PHONE: 717-398-1442

SPECIMEN - 1

04/06/99

5:03

DANIEL HILL, M.D. - DIRECTOR

** FINAL REPORT **

NAME: BENSON JASON

D.O.B: 9/27/76 AGE: 22 SEX: M

LOCATION: SCI-SMITHFIELD

MR #: D58483

PHONE #:

ROOM:

ID #: D58483

ORDERING DR: LONG, RONALD (SMITHFIELD)

ACCESSION: 9095-GL6026

COPIES TO: 1)

COLLECTED: 4/05/99 07:20 SS

2)

RECEIVED: 4/05/99 16:20 SLJ

COMPLETED: 4/05/99 17:38

COMMENT: L.D. 2200 4/4

PROCEDURE

RESULT

UNITS

EXPECTED RANGE

TECH

SPECIAL CHEMISTRY

THERAPEUTIC DRUGS

DILANTIN

7.6 L

ug/ml

10.0-20.0

SH

RONALD A LONG, M.D.

Received

APR 06 1999

Filed

APR 07 1999

SCI-SMITHFIELD
 Medical Records Department

C-25

BENSON, JASON 56174363/0 22 YEARS MALE
 Page 1 From Chantilly FOR ELLIEN, MD (SS) LAN:130319
 COLLECTED: 199508100734 30312 SCI-SMITHFIELD
 RECEIVED: 08/11/1999 JERSEY SHORE HOSPITAL
 REPORTED: 08/12/1999 P.O. BOX 999
 19957 07 303127 0729004803 HUNTINGDON PA 16632
 HISTORY NO: DS6483 ROOM/BED: SS

=====TESTS=====RESULTS=====FLAG=====REF. RANGE=====UNITS

8921/Chantilly

Imipramine, Serum

Imipramine

NONE DETECTED

DETECTION LIMIT 5 ng/mL

Desipramine, Serum

NONE DETECTED

DETECTION LIMIT 5 ng/mL

Imipramine + Desipramine

None detected

Therapeutic range:

150-300 ng/mL

(Imipramine plus Desipramine)

POTENTIALLY TOXIC VALUES:

Imipramine:

>= 450 ng/mL

Desipramine:

>= 450 ng/mL

Imipramine + Desipramine:

>= 450 ng/mL

*** FINAL REPORT ***

LP 47039J-15 2126J

Diagnostic Reports

Name:

Date:

Time:

A

N

NCS

A-Requires a DC 472 SOAP Note

Filed

AUG 17 1999

SCI-SMITHFIELD
 Medical Records Dept.

Received
 AUG 13 1999
 SCI-SMITHFIELD
 Medical Records Department

C-26

CERTIFICATE OF SERVICE

I, Linda L. Gustin, an employee with the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 15th day of November, 2001, I served a true and correct copy of the foregoing APPENDIX OF EXHIBITS IN SUPPORT OF DEFENDANT, RONALD M. LONG, M.D.'S MOTION FOR SUMMARY JUDGMENT via U.S. First Class mail, postage prepaid, addressed as follows:

Mr. Jason Eric Benson
SCI-SM
#DS-6483
1120 Pike Street
P.O. Box 999
Huntingdon, PA 16652

David L. Schwalm, Esquire
Thomas, Thomas & Hafer, LLP
305 North Front Street
Harrisburg, PA 17101

Alan Gold, Esquire
Monaghan & Gold
7837 Old York Road
Elkins Park, PA 19027

Linda L. Gustin
Linda L. Gustin